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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., successor by
merger to BAC HOME LOANS SERVICING, LP
FKA COUNTRYWIDE HOME LOANS
SERVICING, LP

Plaintiff,

vs.

TRAVATA AND MONTAGE AT SUMMERLIN
CENTRE HOMEOWNERS' ASSOCIATION;
NEVADA ASSOCIATION SERVICES, INC.;
and SFR INVESTMENTS POOL 1, LLC,

Defendants.

Case No.: 2:16-cv-00699-GMN-PAL

**JOINT RESPONSE TO ORDER TO SHOW
CAUSE WHY THE COURT SHOULD NOT
IMPOSE MONETARY SANCTIONS
AGAINST COUNSEL FOR FAILURE TO
COMPLY WITH THE COURT'S MINUTE
ORDER [ECF NO. 98]**

Bank of America, N.A. (**BANA**), Nevada Association Services, Inc. (**NAS**), and Travata and
Montage at Summerlin Centre Homeowners' Association (**HOA**) hereby respond jointly to the court's
order to show cause [ECF No. 101] why the court should not impose monetary sanctions against
counsel for failure to comply with the court's minute order [ECF No. 98] as follows:

RESPONSE

1
2 1. On September 19, 2018, this Court held a settlement conference with the parties to this
3 litigation at which BANA, the HOA and NAS were able to reach a settlement to resolve the claims
4 BANA asserts against the HOA and NAS. [See ECF No. 98].

5
6 2. Following the settlement conference, this Court issued a Minute Order on September
7 19, 2018 ordering the settling parties' counsel to appear for a telephonic status check on November 19,
8 2018. *Id.* The Court further stated the telephonic status check would be automatically vacated upon
9 the filing of a stipulation to dismiss the claims among the settling parties.

10 3. The settling parties' counsel failed to comply with the Minute Order and this Court
11 issued an Order to Show Cause why monetary sanctions should not be issued for noncompliance on
12 November 21, 2018. [ECF No. 101]

13
14 4. Prior to the settlement conference, counsel for the HOA and BANA reached an
15 agreement to settle the claims between their clients—an HOA and a bank—in a state court action
16 involving similar facts and claims to the present litigation. The parties intended to use the settlement
17 agreement in that case as a template for the settlement reached in this action, thereby avoiding the
18 need to renegotiate settlement impediments.

19 5. Though close, the parties had not yet finalized the terms of the state court settlement
20 agreement by the time of the status check in this case, preventing the finalization of settlement in the
21 present action and precluding the dismissal of the claims among the settling parties.

22
23 6. Following the telephonic status check on November 19, 2018, the settling parties have
24 sought to resolve the instant litigation regardless of the status of the settlement agreement in the state
25 court action.

26
27 7. BANA's counsel has circulated a settlement agreement purporting to resolve the settled
28 claims. NAS's counsel and the HOA's counsel have responded with comments, which have been

1 incorporated into a near-final version. The parties do not anticipate any further substantial revisions or
2 delays.

3 8. The parties are in the process of finalizing the agreement for execution by their clients.
4 The settling parties anticipate the execution of the settlement documents, including the stipulation to
5 dismiss all claims among the settling parties within fourteen (14) days (December 19, 2018).

6 9. In light of the parties' efforts to effectuate the dismissal of the settled claims as soon as
7 practicable following the Court's issuance of the Order to Show Cause, the settling parties respectfully
8 request this Court suspend the issuance of monetary sanctions against the settling parties for fourteen
9 (14) days and that the Court will be satisfied that sanctions are not warranted if the settling parties
10 submit a stipulation to dismiss all claims among the settling parties on or before December 19, 2018.

11
12 DATED December 5, 2018.

13
14 This the 5th day of December, 2018.

15 **AKERMAN LLP**

16 /s/ Jared M. Sechrist, Esq.
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18 Nevada Bar No. 8215
19 JARED M. SECHRIST, ESQ.
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21 *Attorneys for plaintiff and counter-defendant*
22 *Bank of America, N.A.*

This the 5th day of December, 2018.

NEVADA ASSOCIATION SERVICES, INC.

/s/ Brandon E. Wood, Esq.
BRANDON WOOD, ESQ.
Nevada Bar No. 12900
6224 W. Desert Inn Road
Las Vegas, Nevada 89146

*Attorney for defendant Nevada Association
Services, Inc.*

23
24 **IT IS SO ORDERED** this 17th day
25 of December, 2018.

26 
27 Peggy A. Leen
28 United States Magistrate Judge

1 This the 5th day of December, 2018.

2 **LIPSON, NEILSON, COLE, SELTZER &**
3 **GARIN, P.C.**

4 /s/ Julie Funai, Esq.

5 J. WILLIAM EBERT, ESQ.

6 Nevada Bar No. 2671

7 JULIE FUNAI, ESQ.

8 Nevada Bar. No. 8725

9 9900 Covington Cross Drive, Suite 120

10 Las Vegas, Nevada 89144

11 *Attorneys for defendant Travata and Montage at*
12 *Summerlin Centre Homeowners Association*

CERTIFICATE OF SERVICE

I certify on December 5, 2018, I filed and served a true and correct copy of the foregoing **JOINT RESPONSE TO ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT IMPOSE MONETARY SANCTIONS AGAINST COUNSEL FOR FAILURE TO COMPLY WITH THE COURT'S MINUTE ORDER [ECF NO. 98]** via the court's CM/ECF system on the following:

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/s/ Tracey Wayne
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